

## REMARKS

Claims 1-12 are presently pending and under examination. Claims 5, 7-10 and 12 have been canceled, leaving claims 1-6 and 11 directed to methods of sealing a reclosable fastener pending after entry of this amendment. The cancellation of claims 7-10 and 12 moots the rejection to these claims under 35 U.S.C. § 112, first paragraph for alleged lack of enablement, as well as the rejection of claim 10 under 35 U.S.C. § 103(a). This is noted here for the Examiner's convenience and will not be further addressed in the remarks.

### **The Drawings Satisfy the Requirements of 35 U.S.C. § 183(a).**

The drawings stand objected to under 35 U.S.C. § 183(a) as allegedly not showing every featured specified in the claims. Claims 7-10 and 12 containing the various means allegedly not shown have been canceled, therefore the grounds of the objection have been obviated. Applicants respectfully request reconsideration and withdrawal of the objection.

### **The Claims are Definite Within the Meaning of 35 U.S.C. § 112, second paragraph.**

Claims 1-10 and 12 are rejected under 35 U.S.C. § 112, second paragraph as allegedly indefinite. Claims 7-10 and 12 have been canceled and thus, with respect to those claims the rejection is moot.

Claim is allegedly indefinite in the recitation of "the combination." To advance prosecution, the limitation "the combination" has been amended to more clearly define the term. The amendment reflects that the combination is of the fastener and substrate.

Claim 5 is allegedly indefinite in its recitation of "cross web technique." Applicant notes the phrase cross-web technique would be understood by those of skill in the art. Notwithstanding the foregoing, the rejection is moot because the claim has been canceled.

In view of the foregoing, reconsideration and withdrawal of the rejections under 35 U.S.C. § 112, second paragraph are respectfully requested.

**The Claims are Novel Over the Teachings of English**

Claims 1-3, 5, 7-8, and 11 stand rejected under 35 U.S.C. § 102(b) as allegedly anticipated by English (US Patent No. 5,417,035) ("English"). Claim 5 and claims 7-8 have been cancelled.

The Office Action asserts that in Figures 1A and 4 English discloses a method for sealing a reclosable fastener 38, 40 to a substrate comprising presenting lengths of a fastener to a substrate; locating the lengths by attaching a flange/base 74 and 76 portion to the substrate by heat sealing while the body portion is free; passing the fastener and substrate between a pair of displaceable sealing jaws 82 and 84 that are longer than the body of the fastener in order to effect a final sealing.

Applicant respectfully traverses the rejection. English does not teach or suggest the cross web technique which is claimed by Applicant. In other words, English does not teach a method wherein lengths of fastener are presented to a continuous elongate substrate, such that the lengths of fastener each extend transversely to the length of the substrate. To the contrary, the zipper in English is fed longitudinally relative to the web or substrate. This is clearly seen in the cited figures where the zipper profiles 38, 40 are plainly fed longitudinally of the filling tube and are inserted between the longitudinal edge portions of the film as it is formed around the filling tube. The geometry of the claims at issue here is completely different. The lengths of zipper are secured transversely to the length of the substrate web and are sealed thereto by sealing means that also must extend transversely of the web.

Numerous statements in the specification establish that properly read, English teaches *only* feeding the zipper in the length dimension of the continuous web. For example, lines 34-35 of column 1; lines 6-7, 10-11, and 66 on column 2; lines 8-10, and 67-68 in column 3; lines 51-54, and 64-65 of column 4; and lines 27-30 and 45-48 of column 5, for example. Further, there is nothing in English that even remotely can be said to teach or suggest having the lengths of fastener extend transversely to the length of the substrate as both claims 1 and 11, and claims dependent thereon require.

Further, as a result of the transverse feeding of the zipper lengths in instant claims 1 and 11, the requirement that the sealing jaws be dimensioned to be longer than the body portion of the fastener along the path of the movement of the combination of the fastener and the substrate has an entirely different meaning and consequence here, as compared to

English. The dimension of the sealing jaws references the width, rather than the length, of the jaws. Nothing similar to what is claimed, wherein the web moves in the direction of the jaws is disclosed or suggested by English.

Applicant respectfully notes that the Office Action's statement that the sealing jaws are "longer than the body of the fastener" is questionable, and Applicant clearly does not acquiesce in this assertion. The fastener at the sealing edge is a continuous length between the jaw 82, 84, as is shown in figures 1 and 4 of English. Thus, at that point, the length of the fastener is effectively infinite and not in fact less than the length of the sealing jaws 82, 84 in the direction of web movement.

Applicant respectfully requests reconsideration in view of the foregoing. Withdrawal of the rejection is appropriate since English does not teach or suggest each and every limitation of the claims at issue.

**Claims 4 and 6 are Patentable Over the Teachings of English in view of Kinigakis *et al.***

Claims 4 and 6 stand rejected as allegedly unpatentable under 35 U.S.C. § 103(a) over English (US Patent No. 5,417,035) ("English"), in view of Kinigakis *et al.* (US Patent No. 6,357,914) ("Kinigakis"). The Office Action alleges that it would have been obvious to modify the teachings of English with those of Kinigakis to arrive at the invention of claim 4 or 6. Applicant respectfully traverse.

For the reasons stated above, English does not teach each and every limitation of the claims at issue. Kinigakis adds nothing to provide the limitations of the claimed invention lacking in English, thus, the combination of English with Kinigakis necessarily is not sufficient to provide a *prima facie* case of obviousness for claims 4 or 6. Accordingly, the rejection must be withdrawn. Reconsideration is therefore respectfully requested.

**Conclusion**

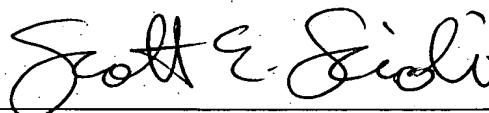
Applicant respectfully asserts that this reply is fully responsive to the outstanding Office Action. The claims are in condition for allowance and a early and favorable Notice to that end is earnestly requested. The Examiner is invited to contact the Applicant's

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undersigned representative telephonically at 215-557-5986 to resolve any outstanding issues prior to allowance.

Respectfully submitted

A handwritten signature in cursive script, reading "Scott E. Scioli", written over a horizontal line.

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